

REMARKS

Reconsideration and allowance for the above-identified application are now respectfully requested. Claims 1-30 were pending for examination at the time of the Office Action dated August 29, 2003 (hereinafter referred to as "the Office Action"), of which claims 1, 11, 12, 13, 24, 26, 28, 29 and 30 are independent claims. The Office Action rejects each of the claims 1-10, 13-22 as being anticipated under 35 U.S.C. 102(e) by United States patent publication number 2002/0111163 applied for by Kojiro Hamabe (hereinafter referred to as "Hamabe"). The Office Action also rejects Claim 23 under 35 U.S.C. 103(a) as being unpatentable over Hamabe in view of United States patent publication number 2002/0016190 applied for by Higuchi et al. (hereinafter referred to as "Higuchi"). Accordingly, claims 1-10, 13-23 and 28 stand rejected, of which claims 1, 13 and 28 are independent claims.

By this paper, all of the claims except for claims 23, 25 and 27 are amended for clarity. Even the allowed claims are amended since the amendment relates to clarifying the claims, rather than substantively changing the scope of the claims. In particular, upon reviewing the Office Action, it became clear that the Office Action construed the term "frequency of searching for a new perch channel" in a manner that was different that what the Applicants intended. In particular, from the paragraphs quoted by the Office Action as being relevant to this phrase, it appears that the Office Action construes the meaning of "frequency of searching" to be related to the number of cycles of a waveform. Accordingly, the claims are amended to provide further clarity to this phrase. In particular, the claims are amended to replace the "frequency of searching for a new perch channel" to a "degree of how frequent searches for new perch channels is conducted", a much different meaning that what the Office Action interpreted the claims to mean.

Hamabe and Higuchi do not disclose that doing anything with respect to a "degree of how frequent searches for new perch channels is conducted" in response to receiving quality (see independent claim 1, 13 and 28) such as the highest received power (see claims 2 and 14), any received power ratios (see claims 3 and 15), the number of perch channels having higher than a predetermined fraction of the highest received power (see claims 4 and 16), the highest received SIR (see claims 5 and 17), any SIR ratios (see claims 6 and 18), the number of perch channels having higher than a predetermined fraction of the highest received SIR (see claims 7 and 19), a minimum propagation loss (see claims 8 and 20), a propagation loss ratio (see claims 9 and 21),

the number of perch channels with a propagation loss that is lower than a predetermined value (see claims 10 and 22).

Accordingly, for at least these reasons, Claim 1 through 10, 13-22 and 30 are not anticipated nor rendered obvious over Hamabe and Higuchi, either singly or in combination. In addition, Claim 23, which depends from Claim 22, is not anticipated nor rendered obvious over Hamabe and Higuchi, either singly or in combination, for at least the reasons provided for Claim 22. Therefore, all of the rejected claims are allowable over the art or record.

In light of these remarks, Applicants respectfully request withdrawal of the pending rejections. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 29th day of October, 2003.

Respectfully submitted,



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